

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

RAMONE PALMORE,

Plaintiff,

v.

WALMART INC. and JANE DOE,

Defendants.

Case No.: 3:24-cv-02158-AR

ORDER

**Adrienne Nelson, District Judge**

United States Magistrate Judge Jeff Armistead issued Findings and Recommendation in this case, ECF [12], on March 24, 2025. Judge Armistead recommended that this Court grant plaintiff's Motion for Leave to File Amended Complaint/Petition, ECF [5], and remand this case to Multnomah County Circuit Court for lack of subject matter jurisdiction. No party has filed objections.

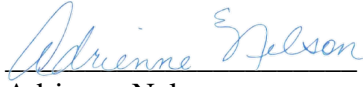
A district court judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report." *Id.* No standard of review is prescribed for portions of the report for which no objections are filed, and no review is required in the absence of objections. *Thomas v. Arn*, 474 U.S. 140, 152-54 (1985). A district judge is not, however, precluded from *sua sponte* review of other portions of the report, under a *de novo* standard or otherwise. *Id.* at 154. The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that unobjected to proposed findings and recommendations be reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Because no party in this case has made objections, this Court reviews Judge Armistead's Findings and Recommendation for clear error on the face of the record. Finding no such error, the Court

ADOPTS Judge Armistead's Findings and Recommendation, ECF [12]. Plaintiff's Motion for Leave to File Amended Complaint/Petition, ECF [5], is GRANTED. If plaintiff's amendments defeat diversity of citizenship between the parties, then this Court will lack subject matter jurisdiction under 28 U.S.C. § 1332(a), and this case must, under 28 U.S.C. § 1447(e), be remanded to the Multnomah County Circuit Court.

IT IS SO ORDERED.

DATED this 29th day of April, 2025.

  
Adrienne Nelson  
United States District Judge